THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.7193 OF 2007

DATED 19th June, 2007

Between:
M/s National Building Construction … Petitioner

And

The Commercial Tax Officer and
Two others … Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.7193 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties. Counter has been filed.

The facts are not at dispute. At present an appeal is pending before the Tribunal. The matter started with the assessment made by the Assessing Authority. After some days, the successor of the assessing authority himself revised the assessment. Appeal was filed. In the appeal, the appellate authority remanded the matter to the assessing authority for fresh assessment. Now the matter is pending before the Tribunal. An application for grant of stay of further proceedings in pursuance of the remand order was sought from the Tribunal, which the Tribunal has rejected.

We feel if the assessing authority is again allowed to make fresh assessments, pending appeal before the Tribunal, the petitioner may get prejudiced because ultimately the Tribunal will have to decide the issues raised before it. Therefore, in the interest of justice, we allow this writ petition and stay the proceedings before the assessing authority till the matter is decided by the Tribunal. The Tribunal may decide the appeal expeditiously. No order as to costs.

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(Bilal Nazki, J)

Dated 19th June, 2007

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(S.Ananda Reddy, J)

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